

DEPARTMENT OF TRANSPORT

NO. R. 7944

25 September 2026



Tel: +27 (0) 12 366 2600
Fax: +27 (0) 12 366 2601

146 Lunnun Road
Cnr Jan Shoba & Lunnun Road
Hillcrest 0083

P.O Box 13186
Hatfield
Gauteng 0028
Republic of South Africa

www.samsa.org.za

DEPARTMENT OF TRANSPORT

SCHEDULE

SOUTH AFRICAN MARITIME SAFETY AUTHORITY ACT, 1998 (Act No. 5 of 1998)

DRAFT SOUTH AFRICAN MARITIME SAFETY AUTHORITY (ADMINISTRATION OF THE
MARITIME POLLUTION PREPAREDNESS AND RESPONSE FUND) REGULATIONS, 2026

**NOTE: FULL COPY OF THESE DRAFT REGULATIONS IS ACCESSIBLE ON THE SAMSAM
WEBSITE AT <https://www.samsa.org.za/>**

BOARD MEMBERS

Adv. V Sihawu (Chairperson), Mr M Burton (Deputy Chairperson), Dr. O Horwood, Mr S Keswa, Dr. N. Skeepers, Adv. N. Sobekwa,
Capt. Dennis Mqadi (CEO) *
* Executive

DEPARTMENT OF TRANSPORT

**No.
2026**

SOUTH AFRICAN MARITIME SAFETY AUTHORITY ACT, 1998

**DRAFT SOUTH AFRICAN MARITIME SAFETY AUTHORITY (ADMINISTRATION
OF THE MARITIME POLLUTION PREPAREDNESS AND RESPONSE FUND)
REGULATIONS, 2026**

I, Barbara Creecy, Minister of Transport hereby, in terms of section 53 of the South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998) make the Regulations set out hereunder.

Ms. B Creecy, MP
Minister of Transport
Date:

TABLE OF CONTENTS

Arrangement of regulations

- 1 Interpretation and Definition
- 2 Application of Regulations
- 3 Purpose of Regulations
- 4 Powers of the Board of the Authority
- 5 maritime preparedness and response levy
- 6 Short Title and Commencements

Preamble

Whereas a fund, called the Maritime Pollution Preparedness and Response Fund was established in terms of the South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998) (as amended);

And whereas, the Authority administers the Fund in the prescribed manner and the accounts relating to the Fund must be audited annually by the Auditor-General.

And whereas, there is to be paid to the Fund amounts equal to amounts received by way of levies from seaports, oil-handling facilities and offshore installations, penalty, fine or forfeiture by the State for contraventions in terms of the laws referred to in section 2(2).

And whereas, money in the Fund may be applied by the Authority only for the purpose of furthering the objective of the Authority to prevent and combat pollution of the marine environment by ships;

And whereas, money in the Fund that is not required for immediate use must be invested with a bank registered under the Banks Act, 1990 (Act No. 94 of 1990);

And whereas, money in the Fund at the end of any financial year must be carried forward as a credit to the Fund to the ensuing financial year;

And whereas, the Chief Executive Officer is the accounting officer of the Fund charged with the responsibility of accounting for money received and expenditure incurred by the Fund;

And whereas, the Fund is under the control of the Minister, and the Minister must ensure effective and efficient implementation of the objects of the OPRC Act;

Now therefore, the Minister delegates certain powers in relation to the Fund to the Authority to ensure effective and efficient use of and access to the Fund for the purposes of the OPRC Act.

1. Interpretation and Definitions

- (1) In these Regulations, any other word or expression to which a meaning has been assigned in the Act shall have that meaning assigned to it in the Act, and unless the context requires otherwise –

“Act” means the South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998);

“Maritime Pollution Preparedness and Response Fund” means the Maritime Pollution Preparedness and Response Fund established in terms of

section 38 of the South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998) and the word “**Fund**” shall have the same meaning;

“**maritime preparedness and response levy**” means the levy imposed and payable in terms of regulation 5.

“**OPRC Act**” in these regulations means the Marine Oil Pollution (Preparedness, Response and Cooperation) Act, 2025 (Act No. 8 of 2025).

2. Application of Regulations

- (1) These Regulations apply to —
 - (a) the State and all organs of State; and
 - (b) to the Fund established in terms of Section 38 of the Act.

3. Purpose of Regulations

- (1) The purpose of these Regulations is to delegate to the Board of the Authority, powers of the Minister under of Section 38(1) of the Act;

4. Powers of the Board of Authority

- (1) Pursuant to the power of the Minister contemplated in Section 38(1) of the Act, the Minister delegates to the Board of the Authority powers to approve expenditure on the Fund for the execution of duties and powers of the Authority under the OPRC Act.

5. Imposition of maritime preparedness and response levy

- (1) There shall be payable by the ship's owner, charterer, operator or agent of all vessels calling into South African Ports and owners of oil-handling facilities and offshore installations, a levy called the maritime preparedness and response levy.
- (2) Amounts received by way of the levy shall be paid into the Fund.
- (3) The Authority shall determine the rate of the levy on the South African Maritime Safety Authority Determination of Levies and Charges.

6. Short Title and Commencement

- (1) These Regulations are called the South African Maritime Safety Authority (Administration of the Maritime Pollution Preparedness and Response Fund) Regulations, 2026 and come into operation on a date determined by the Minister by notice in the Gazette.